

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Estate of VALERIE YOUNG by VIOLA YOUNG,
as Administratrix of the Estate of Valerie
Young, and in her personal capacity, SIDNEY
YOUNG,

Plaintiffs,

-against-

STATE OF NEW YORK OFFICE OF MENTAL
RETARDATION AND DEVELOPMENTAL
DISABILITIES, PETER USCHAKOW, personally
and in his official capacity, JAN
WILLIAMSON, personally and in her official
capacity, SURESH ARYA, personally and in
his official capacity, KATHLEEN FERDINAND,
personally and in her official capacity,
GLORIA HAYES, personally and in her
official capacity, DR. MILOS, personally
and in his official capacity,

Defendants.

ECF CASE

**DECLARATION OF DONNA
LIMITI**

07-CV-6241 (LAK)(DCF)

DONNA LIMITI, states under penalty of perjury that the
following is true and correct:

1. I am the Acting Director at Brooklyn Developmental
Center ("BDC"), a position I have held since January 24, 2008. I
was the Deputy Director for Community Services at BDC from
January 2004 until my appointment as Acting Director.

2. I submit this Declaration in opposition to
Plaintiffs' Motion for Sanctions, based on my personal knowledge

and on information and belief, the bases for which are my communications with employees at BDC and my review of documents maintained by BDC.

3. I understand that plaintiffs claim that certain log books concerning Valerie Young, which documented fifteen minute checks on her, were destroyed or otherwise "spoiled."

4. At the request of the OAG, I initiated a search for these Special Observation log books pertaining to Ms. Young, who died on June 19, 2005. The cause of her death is the subject matter of this lawsuit I understand.

5. I understand that the purpose of the Special Observation log books was to document fifteen minute checks on Ms. Young, a consumer who had profound retardation and other diagnoses.

6. Once I learned that Ms. Young's records had been delivered to the administrative offices, I personally conducted a search of the Director's office, which included having a maintenance worker break into a locked file cabinet. I did not locate the Special Observation log books.

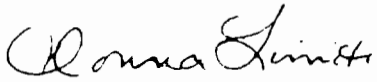
7. I requested that Kathleen Ferdinand, Ms. Young's Treatment Team Leader at the time in question, to look for the logs in every room where developmental plans and log books are held on her wing.

8. I directed Alicia Mendegorin, the Health

Information Manager at BDC, to search all areas where medical records are stored in the event that these log books had been misplaced. She did not locate the log books in question.

9. I directed Richard Lippel to search the Quality Assurance office, which maintains all incident reports, investigations, and mortality review reports. Mr. Lippel conducted the investigation into the circumstances about Ms. Young's death. Mr. Lippel did not locate the log books at issue.

10. I contacted Peter Uschakow, the previous Director at BDC, who advised me that he never had the log books in his possession.


DONNA LIMITI

Sworn to before me this
28 day of May , 2008


Notary Public

SAKINAH BLACK
Notary Public, State of New York
No. 24-01MO4686179
Qualified in Nassau County
Commission Expires May 03 2010